

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JULIE BEST GRIMES, et al.,)

Plaintiff,)

v.)

Case No.: 2:07-CV-01397-WMA

RAVE MOTION PICTURES)

BIRMINGHAM, L.L.C., et al.,)

Defendants.)

**DEFENDANT BOSTON VENTURES MANAGEMENT, LLC'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Boston Ventures Management, LLC ("BV") hereby moves for summary judgment in this action pursuant to Fed. R. Civ. P. 56(c). In support of this motion, BV states as follows:

1. There is no genuine dispute as to any material fact; and
2. Based upon the undisputed material facts, BV is entitled to judgment in its favor as a matter of law because (a) 15 U.S.C. § 1681c(g) of the Fair and Accurate Credit Transactions Act ("FACTA"), by its plain meaning, does not apply to BV, and thus BV cannot be independently or vicariously liable to the Plaintiff for the conduct alleged in the Second Amended Complaint, (b) even if,

arguendo, section 1681c(g) were deemed to apply to BV, BV cannot be held vicariously liable, as a matter of law, under veil-piercing, agency or other theories for the FACTA violations allegedly committed by the Rave Defendants, and (c) FACTA is unconstitutional both on its face and as applied to BV.

In further support of this Motion, BV relies upon the accompanying Memorandum of Defendant Boston Ventures Management, LLC In Support Of Its Motion For Summary Judgment, filed herewith ("BV Memorandum").

For the reasons stated above and in the BV Memorandum, BV respectfully requests that the Court grant this Motion.

Request for Oral Argument

BV requests the opportunity to present oral argument in support of this Motion.

Respectfully submitted,

BOSTON VENTURES MANAGEMENT,
LLC

By its attorneys,

/s/ A. Inge Selden III

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Dated: March 14, 2008

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March 2008, a true and correct copy of the foregoing was filed electronically with the Court which will automatically serve counsel of record as follows:

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I hereby also certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

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